IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF FEBRUARY

TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 16071 of 2000

Between:

1 The Chief Engineer, Srisailam Project,
6th Floor, Ganganvihar, APHB Complex,
M.J.Road,Hyderabad.
2 The Superintending Engineer, Dam Maintenance Circle,
Srisailam Project, Srisailam.

..... PETITIONERS

AND

D.Satyanarayana Swamy, Assistant Wireless Operator,
Hill Colony, Nagarjuna Sagar Dam, Nalgonda District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or direction or order more particularly in the nature of Writ of Certiorari and to call for the records relating to and connected with the order dated 31-10-1997 which was rendered in R.P.No.22338/1989, on the file of the A. P. Administrative Tribunal, Hyderabad and to quash and set aside the same as erroneous and contrary to law.

Counsel for the Petitioners: THE ADVOCATE GENERAL

Counsel for the Respondent: MR.J.R.MANOHAR RAO

CONTEMPT CASE NO : 1024 of 2004

(Contempt Case Under Sections 10 to 12 of Contempt of Courts Act to summon and punish the respondents herein for willfully and deliberately disobeying the Order of the High Court dated 19.4.2004 in WPMP No.9560 of 2004 in WP No.16071 of 2000.

Between:

D.Satyanarayana Swamy S/o Chandraiah Goud
Hill Colony, Nagarjuna Sagar Dam, Nalgonda District.
(Retired as Special Grade Wireless Operator)

..... PETITIONER

AND

1 Sri B.S.N.Shetty, Chief Engineer, Srisailam Project, VI Floor, Gagan Vihar, A.P.H.B.Complex, M.J.Road, Hyderabad.
2 Sri R.B.Rajendra Prasad, Superintending Engineer, Dam Maintenance Circle, Srisailam Project, Kurnool District.

.....RESPONDENTS

Counsel for the Petitioner: MR.J.R.MANOHAR RAO

Counsel for the Respondents: THE ADVOCATE GENERAL

The Court made the following:

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COMMON ORDER: (per GB.J.)

The Writ Petition is filed by the Government assailing the order passed by A.P. Administrative Tribunal (for short Tribunal) in R.P.No.22338 of 1989, dated 31.10.1997.

2. The unofficial respondent approached the Tribunal challenging the Memo No.SE/DMC/1315 M, dated 19.6.1989 issued by the 2nd respondent-The Superintending Engineer, Dam Maintenance Circle, Srisailam Project, Srisailam, and consequential direction to revise the pay of the petitioner of the petitioner in the scale of Rs.120-210/160-245 in terms of G.O.Ms.No.2047, dated 17.8.1965 and to declare that he is senior to the unofficial respondents 3 and 4 therein. The Tribunal, after considering the matter, allowed the above OA by directing the official respondents therein to prepare a fresh seniority list. It is also on record that after the order was passed by the Tribunal, the official respondents implemented the same by issuing appropriate orders fixing the seniority as claimed by the applicant in the OA and also the scales of pay as sought for by him in 1998 itself. The Writ Petition has been now filed in August, 2000 challenging the order after having implemented the order of the Tribunal.

3. The learned Advocate General submits that the order of the Tribunal is not sustainable with regard to the payment of scales as there are any amount of laches on the part of the respondent herein in claiming the relief before the Tribunal itself.

4. After hearing the learned Advocate General we are not impressed

with his contention. Firstly, the Writ Petition itself is not maintainable on account of unexplained laches. The order was passed by the Tribunal on 31.10.1997 and the same was implemented by the official respondents in 1998, and after a lapse of two years this Writ Petition has been filed and the reasons for approaching the Court at such a belated stage has also not been explained in the affidavit filed in support of the Writ Petition. Secondly also the Government having implemented the order and fixing the seniority and also granting the pay scales, it is not appropriate on its part to challenge the same without reserving the right to challenge the said order in this Writ Petition. Moreover, it is brought to our notice that the respondent herein has since been retired from service in September, 2002. On these both grounds, we do not find any merit in the Writ Petition.

5. Accordingly the Writ Petition is dismissed. No costs.

C.C.NO.1024 of 2004

6. In view of our findings in the Writ Petition, no further orders are necessary in the Contempt Case.

7. Accordingly the Contempt Case is closed.

G.BIKSHAPATHY, J.

4th February, 2005.

P.S.NARAYANA, J.

SSR

Issue copy in a week.

(BO)

..... REGISTRAR

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SECTION OFFICER

To

1 The Chief Engineer, Srisailam Project,
6th Floor, Ganganvihar, APHB Complex,
M.J.Road,Hyderabad.

2 The Superintending Engineer, Dam Maintenance Circle,
Srisailam Project, Srisailam.

3 Sri B.S.N.Shetty, Chief Engineer, Srisailam Project,
6th Floor, Ganganvihar, APHB Complex,

M.J.Road,Hyderabad.

4 Sri R.B.Rajendra Prasad, Superintending Engineer, Dam Maintenance Circle, Srisailam Project, Srisailam.

5 The Registrar, A.P. Administrative Tribunal, Hyderabad.

6 2 CCs to the Advocate General, High Court of A.P. Hyderabad.
(OUT)

7 2 CD copies